

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WA.No. 2198 of 2007

AGAINST THE INTERIM ORDER IN WP(C) NO.18593/2007 Dated 27/06/2007

APPELLANT: 2ND RESPONDENT:

THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

RESPONDENTS: PETITIONER & RESPONDENTS 1 & 3:

1. PRAKASH PANICKER,
SECRETARY, SUPRABA ENGINEERING EDUCATIONAL SOCIETY
BLUETRONIX COLLEGE OF ENGINEERING, PALLURUTHY,
KOCHI.
2. THE PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.
3. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
REPRESENTED BY ITS MEMBER SECRETARY,
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
NEW DELHI.

BY SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2198 OF 2007 E

Dated this the 19th September, 2007

JUDGMENT

H.L.DATTU, C.J.

This appeal is directed against the order passed by the learned single Judge in W.P.(C) No.18593 of 2007, dated 27th June, 2007. By the impugned order, the learned single Judge has directed the University to take appropriate steps to conduct an inspection of the petitioner's college and to ascertain whether the petitioner's college has all the infrastructure facilities and faculty. The learned Judge has also directed that the said inspection should be completed within two months, at the expenses of the petitioner/first respondent herein.

2. The facts are: The first respondent/petitioner intends to establish a college outside India. He has made an application before the University to grant affiliation to the college. The stand of the University before the learned single Judge was that the request made by the first respondent for affiliation to the college can be considered only after they get concurrence from the Government and the Chancellor of the University.

3. The learned single Judge has only directed the University to conduct an inspection of the college, which the petitioner intends to locate outside India. The learned Judge has not directed the University to grant affiliation without concurrence of the Government and the Chancellor of the University. Learned Judge has stated that after conducting an

inspection, the University shall grant affiliation to the petitioner's college. In our opinion, the orders and directions issued by the learned single Judge are most harmless and such orders could not have been the subject matter of an appeal before this Court. In that view of the matter, the Writ Appeal is rejected. The University is granted another two months' time from today to comply with the orders and directions issued by this Court.

4. In view of the order passed in the Writ Appeal, the relief sought for in I.A.No.744 of 2007 need not be considered by this Court. Accordingly, the said application is also rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/